UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/1992/8/Corr.1
15 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Item 3 of the provisional agenda*

WAYS AND MEANS OF IMPLEMENTING ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Report of the Expert Group Meeting on Violence against Women

Note by the Secretariat

Corrigendum

After paragraph 1 the text should read

2. The Expert Group Meeting on Violence against Women was held at Vienna from 11 to 15 November 1991. Its conclusions and recommendations are annexed to the Secretary-General's report on violence against women in all its forms (E/CN.6/1992/4), which will be submitted to the Commission on the Status of Women at its thirty-sixth session.

3. The Expert Group Meeting made, inter alia, the following recommendations:

> "2. The Expert Group recommended the acceleration of the elaboration and strengthening of the general recommendations of the Committee on the Elimination of Discrimination against Women to improve the reporting on violence against women by States parties to the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex) to the Committee."
>
> "7. The Expert Group recommended a draft declaration on violence against women (see appendix) for consideration by the Commission on the Status of Women to be reviewed by the Committee, and then submitted to the General Assembly for immediate adoption."

Accordingly, the appendix is attached hereto.

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*CEDAW/C/1992/1.

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4. The Committee may wish to make comments on the declaration on violence against women. Any such comments, in the form included in the Committee's report, will be conveyed to the Commission.

Appendix

DRAFT DECLARATION ON VIOLENCE AGAINST WOMEN

The General Assembly,

Recognizing the urgent need for the universal application to women of the principles of integrity, dignity, security, liberty and equality of all human persons,

Noting that these principles are enshrined in international instruments, including inter alia the Universal Declaration of Human Rights, a/ the International Covenants, b/ the Convention on the Elimination of All Forms of Discrimination against Women c/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, d/ but are not purposefully being applied to women in relation to violence,

Affirming that violence against women is a violation of human rights,

Recognizing that violence against women is also a manifestation of historically unequal power relations, which have led to domination over and discrimination against women, and the prevention of their full advancement,

Recalling resolution 1990/15, annex, of 24 May 1990 of the Economic and Social Council, which recognizes that violence against women in the family and society is pervasive and cuts across lines of income, class and culture, and must be matched by urgent and effective steps to eliminate its incidence,

Recalling further resolution 1991/18 of 30 May 1991 of the Economic and Social Council, which recommended the development of a framework for an international instrument that would explicitly address the issue of violence against women,

Noting that as a result of the advocacy, mobilization and action by women's movements, the nature, severity and magnitude of this problem is increasingly being recognized,

Alarmed at the debilitating effects of continuing and endemic violence on the legal, social, political and economic status of women in society,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as envisioned in the Nairobi Forward-looking Strategies for the Advancement of Women, e/ which recommended a set of measures to combat violence against women, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

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a/ General Assembly resolution 217 A (III) of 10 December 1948.
b/ General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.
c/ General Assembly resolution 34/180, annex, of 18 December 1979.
d/ General Assembly resolution 39/46, annex, of 10 December 1984.
e/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, Kenya, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

Convinced that in the light of the above there is need for (a) a more comprehensive definition of violence against women; (b) a clear statement of the rights to be applied to ensure the eradication of violence against women in circumstances of threatened or actual violence; (c) a commitment by States in respect of their responsibilities, and (d) a commitment by the international community towards the eradication of violence against women.

Solemnly proclaims the Declaration annexed hereto.

Annex

DECLARATION ON VIOLENCE AGAINST WOMEN

Article 1

Violence is defined as any act, omission, controlling behaviour or threat, in any sphere, that results in, or is likely to result in, physical, sexual or psychological injury to women.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including wife battering, incest, dowry-related violence, marital rape, female circumcision, non-spousal violence, financial discrimination and exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation in the workplace, trafficking in women and forced prostitution, and the degrading representation of women in the media;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the guarantee, protection and benefit of all human rights regardless of religious, cultural, economic or political considerations. These are, inter alia:

Right to life

Right to liberty

Right to physical, mental and personal integrity

Right to personal security and safety

Right to a violence-free private and family life

Right to be free from all forms of discrimination

Right to effective protection by the law and law enforcement agencies

Right to health and other appropriate services for victims of violence

Right to protection against torture, cruel, inhuman or degrading treatment or punishment

Right to work in a violence-free environment.

Article 4

States, intergovernmental and non-governmental organizations and women's movements are called upon to recognize the principles set forth herein and to ensure their observance by means of the following appropriate measures:

The responsibilities of States shall include obligations:

(a) To condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, measures to be adopted to prevent, punish and eliminate this violence. Thus, States undertake to develop, with women's groups and other non-governmental organizations, a plan of action that will include preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of gender-insensitive laws and interventions;

(b) To include in domestic legislation penal and civil sanctions to punish and redress the wrongs caused to women who are subjected to violence and to provide them with just and effective legal remedies, compensation and rehabilitation;

(c) To take the measures necessary to ensure the gender-sensitive training of all officials who implement the policy of preventing, eradicating, investigating and punishing violence against women. States will provide specialized assistance to women who are subject to violence and will ensure support structures, including compensation and rehabilitation;

(d) To adopt all appropriate measures to modify the social and cultural patterns of conduct of men and women by raising awareness, providing education on gender relations and the development of women to their full potential, and encouraging the communication media to enhance respect for the dignity of a woman as a person;

(e) To compile statistics relating to the prevalence of different forms of violence against women and to encourage research on the nature, seriousness and consequences of violence against women and on the efficacy of administrative or other measures used to eradicate violence against women; these statistics and findings of the research will be made public;

(f) To exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the State or are acts by private persons condoned by the State.

The responsibilities of international organizations shall include obligations:

(a) To foster international and regional cooperation with a view to exchanging experiences and financing programmes relating to violence against women;

(b) To promote meetings and seminars with the aim of creating and raising the awareness among all persons in respect of the issue of violence against women;

(c) To foster coordination and exchange within the United Nations system between human rights treaty bodies to effectively address the matter;

(d) To encourage coordination between United Nations bodies and agencies to incorporate the issue of violence against women into ongoing programmes, particularly with reference to groups with a high risk of violence, such as disabled and elderly women, women in detention, refugee women, women of ethnic minorities and migrant women;

(e) To promote the formulation of guidelines or manuals relating to the problem of violence against women, taking into account the measures mentioned herein;

(f) To urge member States to realize their responsibilities in the elimination of violence against women and to ensure that they take the necessary steps to enforce the human rights enshrined in international instruments, so that everyone everywhere condemns violence against women.